

MAR 18 2002

Docket No. 22091-0701CON1

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[x] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231.

[] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner _____ at Facsimile No. _____ at _____ a.m./p.m.

Dated: March 7, 2002

Name of Person Certifying: Nancy L. Hug
Printed Name: Nancy L. Hug

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John L. Schenk
Serial No.: 09/478,299
Filing Date: 01/05/2000
Title: METHOD OF CRYOPRESERVING SELECTED SPERM CELLS

Assignee: XY, Inc.
Examiner: M. Meller
Group Art Unit: 1651

Commissioner for Patents
Washington, D.C. 20231

**NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated September 7, 2001 of the Examiner rejecting claims 1-26 and 35. The items checked below are appropriate.



Appeal Fee:



Large Entity Fee of \$320.00; or



Small Entity Fee of \$160.00.



Applicant(s) claim Small Entity Status under 37 CFR § 1.27.



Petition for Extension of Time (3 mos.)



Petition for Extension of Time Fee \$460.00



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Payment of Fees



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Please charge Deposit Account No. 50-1189, Docket No. 22091-701CON1 in the amount of \$620.00 to cover the above-fees. *A duplicate copy of this sheet is enclosed.*



The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1189, Docket No. 22091-701CON1. *A duplicate copy of this sheet is enclosed.*

DATE: March 7, 2002

Respectfully submitted,

By: _____

Carol M. Gruppi

Registration No.: 37,341

Mailing Address

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